

REPORT
TO THE
SENATE COMMITTEE ON THE BUDGET
PURSUANT TO
SECTION 301(c) OF THE
CONGRESSIONAL BUDGET AND IMPOUNDMENT
CONTROL ACT OF 1974
FROM THE
SENATE COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

MARCH 8 REPORT



MARCH 1982

SERIAL NO. 97-10

Printed for the use of the Senate Committee
on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE

91-322 O

WASHINGTON : 1982

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(II)

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., March 8, 1982.

HON. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the Committee on Environment and Public Works, we transmit our report to the Committee on the Budget as required by section 301(c) of the Congressional Budget Act of 1974.

The Committee report is the product of an extended and considered examination of all programs within its jurisdiction. The Committee on Environment and Public Works held 5 days of hearings, taking testimony from agency witnesses on each major program, and conducted 2 days of mark-up sessions. All Committee members participated in both hearings and mark-ups and, where appropriate, decisions were made through roll call votes.

The recommendations contained in this report reflect an effort to restrain Federal spending and are based on a thorough analysis. We trust that our recommendations and the information provided on each program will aid your Committee in carrying out its work.

Sincerely yours,

ROBERT T. STAFFORD,
Chairman.

JENNINGS RANDOLPH,
Ranking Minority Member.

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**NEW BUDGET AUTHORITY PROGRAMS WITHIN THE JURISDICTION OF THE COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS, FISCAL YEARS 1981, 1982, 1983**

[In millions of dollars]

	1981 actual	1982 appropriation	1983 request	1983 Committee recom- mendation
Direct spending authority: Federal Highway Administra- tion:				
Budget authority.....	9,105.3	8,565.5	8,107.9	8,600.0
Obligation limitation.....	8,750.0	8,000.0	7,700.0	8,200.0
Appropriated programs:				
Nuclear Regulatory Commission.....	440.6	445.7	479.5	479.5
Corps of Engineers.....	3,100.0	2,921.7	2,744.0	¹ 2,921.5
Construction, general.....	(1,593.9)	(1,417.0)	(1,203.4)	(1,209.4)
Water Resources Council.....	30.5	3.9	0	
Office of Water Research and Technology.....	27.3	10.6	0	² 36.2
Fish and Wildlife Service.....	427.6	421.6	416.1	437.9
Appropriation requested.....	(278.3)	(252.3)	(233.2)	(255.0)
Permanent appropriations and trust funds.....	(149.2)	(169.3)	(182.9)	(182.9)
Kennedy Center (NPS).....	4.5	4.1	4.0	4.0
Council on Environmental Quality.....	2.5	.9	.9	.9
Environmental Protection Agency.....	3,967.9	3,676.0	3,591.4	3,836.0
Operating budget.....	(1,351.1)	(1,086.0)	(961.4)	(1,086.0)
Construction grants.....	(2,548.2)	³ (2,400.0)	(2,400.0)	(2,500.0)
Superfund.....	(68.0)	(190.0)	(230.0)	(250.0)
Appalachian Regional Commission.....	302.5	152.9	0	(⁴)
Highways.....	(214.6)	(100.0)	⁵ (0)	
Area development.....	(84.7)	(50.0)	(0)	
Administration.....	(3.2)	(2.9)	(0)	
Economic Development Administration.....	476.5	223.5	15.5	15.5
Program.....	(436.8)	(198.5)	(0)	(0)
Salaries and expenses.....	(39.7)	(25.0)	(15.5)	⁶ (15.5)
Tennessee Valley Authority.....	202.1	129.2	119.5	119.5
Disaster relief.....	358.5	301.7	325.0	325.0
Total—new budget authority.....	9,340.5	8,311.8	7,695.9	8,176.0
Minus: Offsetting receipts (navigation main- tenance user fees).....			¹ 519.0	¹ 166.0
Net new budget authority for appropriated programs.....			7,176.9	8,010.0

¹ The spending request for the Corps of Engineers partially offset by receipts derived from new user fees for coastal and inland waterway operations and maintenance. The administration's request assumed 100 percent cost recovery (\$519,000,000); the committee recommendation assumes 25 percent cost recovery in fiscal year 1983 (\$166,000,000).

² S. 1095, pending on the Senate Calendar, establishes a National Board on Water Policy to coordinate water resource policy and continues funding for water research. It would succeed the Water Resources Council and the Office of Water Research and Technology which the administration proposes to terminate.

³ Urgent supplemental appropriation pending in the House.

⁴ The committee was unable to reach agreement on any motions making a recommendation with respect to the Appalachian Regional Commission.

⁵ The administration proposes to appropriate \$80,000,000 from the highway trust fund for Appalachian highways in fiscal year 1983.

⁶ To be appropriated to the Office of the Secretary of Commerce's general administration account to close out the responsibilities of the Economic Development Administration.

GENERAL OVERVIEW

Section 301(c) of the Congressional Budget Act of 1974 requires every standing committee of the Senate to submit to the Budget Committee, by March 15, its views and estimates of the total amounts of new budget authority and resulting outlays for programs under the Committee's jurisdiction for the coming fiscal year.

During the discussion of the fiscal year 1983 budget, full consideration was given the President's budget request. The Committee recommends new budget authority of \$8,176 million for fiscal year 1983 for all programs under its jurisdiction except highways, which has direct spending authority. This is 6 percent above the President's request. The Committee recommends increases in the following two general areas.

(1) Dedicated funds:

(a) *Federal-aid highways*.—The President requested \$8.1 billion in new budget authority and an obligation ceiling of \$7.7 billion for the Federal-aid highway program.

The Committee recommends \$8.6 billion in budget authority with an obligation limitation of \$8.2 billion (excluding Emergency Relief). The budget authority recommended for fiscal year 1983 is the same level authorized in fiscal year 1982. The increase in obligation authority for fiscal year 1983 is \$500 million over the President's request. The highway program is funded by highway user fees which can only be spent on the highway program, a factor taken into consideration during deliberations on this program by the Committee.

(b) *Hazardous Substance Response Trust Fund*.—The Committee recommends a \$20 million increase over the Administration-proposed \$230 million. Revenues for the Fund are generated by industry-based fees and all monies raised can only be used for the Hazardous Substance Response program.

(2) Natural Resources and the Environment:

(a) *Water Resources*.—The President requested \$2.7 billion for the Corps of Engineers with offsetting revenues of \$519 million. The President's budget did not include \$150 million for certain operation and maintenance projects, but indicated supplemental funds would be requested if user fee legislation is enacted.

The Committee recommends that the \$150 million for operations and maintenance be reinstated as user fee legislation is now pending before the Senate. The Committee considers the \$519 million in offsetting revenues to be unrealistic and chose instead to assume a 25 percent recovery, \$166 million, for fiscal year 1983.

The President requested no funds for the Water Resources Council and the Office of Water Research and Technology. The Committee recommends \$36.2 million to fund planning and research activities au-

(3).

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thorized in S. 1095, a bill to establish a National Board on Water Policy. Such activities were previously funded through the Water Resources Council and the Office of Water Research and Technology. The Omnibus Reconciliation Act of 1981 included funding for all programs to be authorized by S. 1095.

The Committee also added \$27.5 million to the Corps of Engineers budget for emergency repair work required following the Mt. St. Helens disaster in the State of Washington.

For all water resources programs, the Committee recommended a total expenditure of \$2,958 million with offsetting revenues of \$166 million, a net expenditure of \$2,792 million.

(b) *Environmental Protection Agency*.—The Committee recommended increases in two areas—wastewater treatment construction grants (\$100 million) and the agency's operating budget (\$124.6 million).

The Committee recommended a \$100 million increase in construction grants to carry out a new program authorized in P.L. 97-117 to correct the serious environmental problem caused by combined sewer overflows into bays and estuaries. This is half of the \$200 million authorized by the 1981 amendments to the construction grants program.

The Committee recommendation of \$1,086 million for the agency's operating budget is the same level provided in the fiscal year 1982 appropriation. The Committee is concerned that the Administration's proposed budget reductions coupled with those already enacted for the current year are too drastic.

(c) *Fish and Wildlife Service*.—The Committee recommends an increase in the Service's budget authority of \$21.8 million to continue meeting essential needs.

SPENDING RESTRAINTS AND NEW REVENUES

The recommendations contained in this report reflect an effort to restrain Federal spending. Except as noted above, the Committee adopted budget authority levels that matched the President's spending proposals.

The Committee budget also recommends first year cost recovery of 25 percent on navigation operation and maintenance spending by the Corps of Engineers. While this is not as high a level of revenue as that included in the President's budget, it represents a major new step in investment financing.

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FEDERAL HIGHWAY ADMINISTRATION

The Committee recommends \$8.6 billion in budget authority for fiscal year 1983 for the Federal-aid highway program with an obligation limitation of \$8.2 billion. The budget authority recommended for fiscal year 1983 reflects the same level as that authorized in fiscal year 1982. The obligation limitation reflects that set in the Omnibus Budget Reconciliation Act of 1981 for fiscal year 1982. The \$8.2 billion limitation recommended is \$200 million higher than that set in the Federal-aid Highway Act of 1981 of \$8.0 billion for fiscal year 1982, but is \$600 million below that set by this Committee for fiscal year 1983 in the Reconciliation Act.

The President's budget for fiscal year 1983 requested \$8,057.9 million in new budget authority for the highway program with \$50 million in carryover budget authority for a total program level of \$8,107.9 million. The budget request would place an obligation ceiling of \$7.7 billion on the Federal-aid highway program, excluding Emergency Relief. This budget anticipates \$8,369.7 million in outlays for fiscal year 1983.

It is primarily the obligation limitation and not budget authority which controls outlays in the Federal-aid highway program. The increase in obligational authority for fiscal year 1983 of \$500 million over the President's request will result in an increase in outlays for this Federal assistance program of approximately \$85 million in fiscal year 1983, and \$259 million in fiscal year 1984.

The Committee believes that the large deficits being projected are a serious matter, and that Federal spending must be reduced. Efforts must be continued to reduce these deficits and move toward a balanced budget. In order to help accomplish this, the Committee reduced the Federal-aid highway program, for which it has direct spending authority, \$750 million in fiscal year 1982.

However, the Committee believes further reductions in this program at this time would be counterproductive. The highway program is funded by highway user fees which are deposited in the Highway Trust Fund and which can only be spent on Federal-aid highways.

The deterioration of the Nation's highway system has been well documented, both by studies of the Department of Transportation, and through hearings held by the Subcommittee on Transportation last year. Unless steps are taken to stop this alarming rate of deterioration, even larger amounts of Federal funds will be required to replace the capital investment already made in our highway system. A survey of the States indicates that they could obligate \$13.5 billion in Federal funds during fiscal year 1983.

The Committee is not requesting any funds for those categories appropriated from general revenues. The Administration intends to submit legislation in the near future for consideration by the Committee. It is anticipated that this legislation will provide for a consolidation of appropriated programs into the existing major Federal-aid categories.

The Surface Transportation Assistance Act of 1978 provided authorizations for the Federal-aid highway program through fiscal year 1982 and authorized the Highway Trust Fund until 1984. The Federal-Aid Highway Act of 1981, signed by the President on December 29, 1981, authorized additional budget authority for fiscal years 1983 and 1984, and made significant changes in the Interstate programs. Completion of the Interstate System was redefined and those items no longer eligible for Interstate construction funds became eligible for Interstate rehabilitation funds. The Interstate 3R program was expanded to include a fourth R—reconstruction—and the authorization level for the program was significantly increased.

Currently, funds are authorized for fiscal year 1984 for the Interstate Construction and Interstate 4R program. These funds become available at the beginning of fiscal year 1983. Authorizations for all other programs expire on September 30, 1982. In addition, the Highway Trust Fund must also be extended this year to provide sufficient revenue to fund authorizations enacted for the program.

NUCLEAR REGULATORY COMMISSION

The Committee recommends \$479.5 million in fiscal year 1983 for salaries and expenses of the Nuclear Regulatory Commission. This recommended ceiling is the same as the Administration's fiscal year 1983 budget request for the agency.

The Committee recommendation represents an increase of \$13.8 million over appropriation levels for the agency for fiscal year 1982. The Committee believes this increase is justified, given projected increased demands on the NRC for fiscal year 1983, particularly in the areas of nuclear reactor regulation and inspection and enforcement.

These increased demands on the agency are due to the projected increase in the number of operating nuclear powerplants; an increase in the number of licensing actions required to carry out safety changes resulting from the Three Mile Island accident; an expanded program for the safety evaluation of existing operating reactors; more NRC-conducted reactor operator licensing examinations; increased efforts to address unresolved and generic safety issues; additional inspection needs in the areas of fire protection and safeguards; and continuing efforts to redirect the agency's research program to address problem areas identified as a result of the Three Mile Island accident.

As part of its continuing review of the NRC budget request, the Committee intends to look for additional economies beyond those already included in the Commission's request that may permit a reduction of the recommended budget ceiling, consistent with protection of the public health and safety, and recognizing the additional demands that have been placed on the agency.

WATER RESOURCES

There are three water resource programs within the jurisdiction of the Committee on Environment and Public Works: the U.S. Army Corps of Engineers; the Water Resources Council; and the Office of Water Resource and Technology in the Department of the Interior. For the Corps of Engineers, the President requested expenditures of \$2,744 million for fiscal year 1983. The President also recommended offsetting revenues of \$519 million (the anticipated revenue from user charges covering all operation and maintenance expenses for inland waterways and maintenance dredging for coastal and Great Lakes ports). Thus, net expenditures for the Corps would be \$2,225 million. This net spending request is approximately \$700 million less than actual 1982 appropriations for these activities.

The President requested no funds for the Water Resources Council and the Office of Water Research and Technology, in the Department of the Interior.

While the Committee accepted the recommendations of the President with respect to the Corps' construction, general investigations, and operating expenses, there were three items which the Committee adjusted: navigation maintenance expenditures and offsetting user fees for navigation projects; emergency repair funds; and water resources planning and research work.

OPERATIONS AND MAINTENANCE

The President's budget proposed navigation-related operations and maintenance expenditures of \$514 million. The Budget anticipates that these expenditures will be offset by \$519 million in new user fees: \$270 million to be recovered from harbor operation and maintenance, \$224 million to be recovered from inland water operation and maintenance, and \$5 million for miscellaneous recreation user fees.

The Committee did not consider the estimate of \$514 million in revenue from navigation-related user fees to be realistic, requiring as it would, a dramatic change in navigation financing within the space of one year. Rather than endorse such an optimistic estimate of user fee revenues, the Committee chose instead to assume that 25 percent of the operations and maintenance costs for inland and harbor navigation projects would be recovered by the Federal Government in fiscal year 1983.

During the first session of the 97th Congress, the Committee reported S. 1692, the National Harbors Improvement and Maintenance Act, to the Senate. S. 1692, pending on the Senate Calendar, assumes 25 percent cost recovery on port maintenance expenditures.

The Committee is also in the process of evaluating an inland waterway cost recovery bill. Based on the standard established under S. 1692, the Committee has assumed 25 percent recovery on all Federal inland navigation operation and maintenance.

The Budget also states that if the Congress approved inland waterway and port user charge legislation, the President will seek a supple-

mental appropriation of \$150 million to fund operation and maintenance work on "low priority" inland and coastal projects deleted from the budget. This low-priority category consists of: harbors less than 14 feet in depth; deeper harbors where the annual maintenance costs exceed \$1 per ton of commercial traffic in the harbor; and inland waterways with relatively little commercial traffic.

The Committee added back the \$150 million in low priority navigation maintenance work. Because legislative work is already well underway on significant user fee legislation, the Committee believes the restoration of the \$150 million for navigation maintenance at this time is justified. Offsetting receipts from such user fees would be in the amount of \$37.5 million, 25 percent of the federal navigation expenditures for these projects.

To summarize, with respect to navigation operations and maintenance, the Committee recommends that expenditures be increased by \$150 million and that offsetting receipts be reduced to \$166 million, which is 25 percent of the total navigation-related maintenance expenditures.

EMERGENCY REPAIRS

The Committee also added \$27.5 million for emergency work by the Army Corps of Engineers at Mt. St. Helens in the State of Washington. In recent years, Administration budgets have not included requests for emergency repair money under Public Law 84-99. Instead, when emergencies have occurred, the Administration has sought supplemental appropriations. While this may be sound practice for most emergency needs, it is inappropriate for clean-up after disasters that have already occurred, such as the eruption of Mt. St. Helens. Therefore, the Committee has included \$27.5 million for fiscal year 1983 emergency repair work for further dredging and flood control measures required following the Mt. St. Helens disaster.

WATER RESOURCES PLANNING AND RESEARCH

The Committee added \$36.2 million to fund planning and research activities authorized by S. 1095, legislation pending on the Senate Calendar. S. 1095 establishes a National Board on Water Policy that will coordinate Federal water resource programs with the assistance of the States, fund State and river basin commissions, and continue funding water research. While the Administration seeks to eliminate these programs, the Committee continues to support them. The Committee recommended funding these programs in its fiscal year 1982 budget recommendation. The Congress included funds for these functions in the Omnibus Reconciliation Act of 1981.

The Committee's net spending request for the Corps of Engineers and activities authorized by S. 1095 for fiscal year 1983 totals \$2,791.7 million. While this is \$566,700,000 above the President's net request for fiscal year 1983, it is \$130,000,000 below the actual fiscal year 1982 appropriations for these functions.

The Committee also noted that in real, uninflated dollars, the fiscal year 1983 Corps construction budget is 65 percent below the fiscal year 1967 request and 35 percent below the fiscal year 1981 appropriations. The budget contemplates completing 26 projects in fiscal year 1983. If there are no new starts in the next several years, by fiscal year 1988, there will be only 76 ongoing construction projects.

FISH AND WILDLIFE SERVICE

For the U.S. Fish and Wildlife Service, the President's budget request for fiscal year 1983 is \$416.1 million, a 2.4 percent decrease of \$10.3 million from the total current fiscal year 1982 spending level. Of this total, \$233 million has been requested for controllable appropriations, those which exclude permanent appropriations and trusts and require congressional action. This request represents a 9.3 percent decrease from the fiscal year 1982 spending level of \$257.1 million and a 16.3 percent reduction from the fiscal year 1981 spending level.

The Committee recommends \$255 million, a restoration of \$22 million, to enable the Service to adequately perform its responsibilities.

The Fish and Wildlife Service budget is divided into two major categories: (1) Resources Management, and (2) Construction and Anadromous Fish. These are, in turn, divided into a number of program and activity areas. Following is a discussion of the fiscal year 1983 budget recommendation for these areas.

RESOURCE MANAGEMENT

The Resource Management category comprises the largest segment of the Fish and Wildlife Service Budget. The President's fiscal year 1983 request for this category totals \$218.9 million, a decrease of \$6.3 million from the fiscal year 1982 spending level. The Committee recommends \$229.2 million for Resource Management. This is reflected in the requested budget levels for the following programs:

Habitat Preservation.—The President has requested \$31.1 million for this program, an 18.3 percent decrease from the fiscal year 1982 funding level. This program enables the Fish and Wildlife Service to assess the impact on wildlife of federally permitted development activities. This involvement should not, and for the most part does not, delay development. Rather, input in the early stages of the development planning can expedite project completion. As the Nation prepares for increased development in general, and energy development in particular, it would appear that the damage assessment and advisory role of the Service should be increasing as well. Congress has directed the Service to provide such assessment and advice in laws such as the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act. The proposal to reduce funding for this program would slow the pace of permit, license, and project reviews. Therefore, the Committee recommends that \$5 million be restored to these activities—\$983,000 for the minerals project, \$500,000 for environmental contaminants evaluation, \$500,000 for permits and licensing, and \$3 million for cooperative research units.

Wildlife Resources.—The President has requested \$107.4 million for fiscal year 1983, an increase of \$6.6 million over the fiscal year 1982

funding level. The Committee recommends that \$1 million of this increase be reprogrammed from wildlife refuge operations and management to law enforcement.

Fishery Resources.—The President has requested \$32.8 million for Fishery Resources, a decrease of \$4.2 million from the fiscal year 1982 funding level. Fishery Resources funding should be reduced by an additional \$680,000 and these funds be redirected to activities recommended in this report for increases.

Endangered Species.—Reductions proposed by the President for endangered species programs total \$1.2 million from the fiscal year 1982 spending level of \$17.7 million and \$6.2 million, 27.3 percent, from the fiscal year 1981 spending level. These cuts include elimination of \$4 million for the State grant-in-aid program under section 6 of the Endangered Species Act as well as the \$2.2 million reduction for endangered species listing programs. The Committee considers these important activities which should be adequately funded and proposes that \$3 million be restored for section 6 activities and \$1 million for listing programs.

In addition, \$980,000 has been cut from endangered species protection. The need for effective law enforcement to combat and control the massive illegal trade in fish and wildlife was well-documented in hearings the Committee held last year on the Lacey Act Amendments. Illegal trade in fish and wildlife threatens the survival of numerous species, threatens the welfare of our agricultural and pet industries, and imposes untold costs on American taxpayers. In addition, seizures and forfeitures resulting from enforcement actually produce revenue for the Federal treasury. The Committee recommends that \$1 million be added to the Administration's request for endangered species law enforcement.

Administration.—The Legislative Services Office provides advice on Departmental or Administration positions on legislation affecting Service programs, prepares testimony for Service witnesses, and responds to requests from various legislative offices for information or assistance on Fish and Wildlife Service programs. The President has requested \$180,000 for this office, a decrease of \$30,000 from the fiscal year 1982 spending level. Because of the important functions of Legislative Services, the Committee recommends that \$60,000 be added to the requested funding level.

CONSTRUCTION AND ANADROMOUS FISH

The President has requested \$12.7 million for fiscal year 1983 for the Construction and Anadromous Fish category of the Service's budget. This reflects a requested increase of \$6 million for rehabilitation of existing facilities, \$3 million of which should be reprogrammed for other activities recommended by the Committee for increases.

OTHER PROGRAMS

Land Acquisition.—The President has requested \$1.5 million for land acquisition under the Land and Water Conservation Fund. This is a decrease of \$14.9 million from the fiscal year 1982 spending level.

The Committee recommends that \$8.5 million be restored for acquisition of the following areas: Tensas National Wildlife Refuge—\$5.2 million; Bogue Chitto National Wildlife Refuge—\$1 million; Bon Secour National Wildlife Refuge—\$1.5 million; Bandon Marsh National Wildlife Refuge—\$270,000; and Trustom Pond National Wildlife Refuge—\$575,000.

National Wildlife Refuge Fund.—Under this program the Service makes payments to counties in which Service lands (for example, National Wildlife Refuges) are located. Funding for these payments is derived from revenues through the sale of products from Service lands which are supplemented by direct appropriations. The President has requested a \$5.7 million decrease in these appropriations, a request of zero funding. The Federal Government has a responsibility to adequately compensate localities under this program and the \$5.7 million should be restored.

PERMANENT APPROPRIATIONS

The Fish and Wildlife Service budget request for fiscal year 1983 assumes that \$182.9 million will be distributed to the States under statutory authorities providing for permanent appropriations. This includes \$40.2 million under the Federal Aid in Fish Restoration Act and \$118 million under the Federal Aid in Wildlife Restoration Act.

ENVIRONMENTAL PROTECTION AGENCY

The Committee recommends an operating budget for the Environmental Protection Agency programs of \$1,086,012,000. This is the same figure the Agency estimated as the current appropriation for those programs in fiscal year 1982. The Committee recommends that the same level of funding for the four operating programs be maintained in fiscal year 1983: Salaries and Expenses—\$555,106,000; Research and Development—\$154,315,000; Abatement, Control, and Compliance—\$372,970,000; and Buildings and Facilities—\$3,621,000.

RESEARCH AND DEVELOPMENT

The Committee is concerned that the budget reductions proposed for 1983 coupled with those already enacted for the current fiscal year were too drastic. Many important program initiatives would be curtailed too quickly. In particular, important research programs that will be the basis for future decisionmaking were proposed to be reduced significantly below the current levels. This is unsatisfactory.

STATE GRANTS

Likewise the proposed budget included large reductions in grants to States to assist them in carrying out their responsibilities. As more responsibility is transferred to the States, it is important that the necessary resources to do the job continue to be available. In general, the Committee recommends that State and local control agency grants receive the same level of funding in fiscal year 1983 as in fiscal year 1982. Because of increased workload as more States assume the program, hazardous waste grants to State agencies should increase. State grants under section 106 of the Clean Water Act could decrease slightly (though not as much as recommended in the 1983 budget request), if restrictions in the use of section 205 (g) and (j) funds are minimized.

WASTEWATER TREATMENT GRANTS

The Committee recommends that the new budget authority for the wastewater treatment construction grants program be \$2.5 billion. This is an increase of \$100,000,000 over the amount requested by the Agency to be appropriated in 1982, and over the budget request for 1983. The increase reflects changes in the Clean Water Act made by P.L. 97-117, which establishes a new program to correct the serious environmental problems caused by combined sewer overflows. Although \$200,000,000 was authorized by the Clean Water Act Amendments of 1981 (section 201(n)), only half that amount is sought for fiscal year 1983.

CLEAN WATER ACT

In response to questions of the Committee regarding the role of water quality standards in the NPDES program, the Agency responded that "the beneficial impact on water quality of issued permits is not an approach at odds with the basic principle or specific provisions of the Clean Water Act." Clearly it is. Even though the Committee's recommended level of funding for the EPA in fiscal year 1983 is the same as the current fiscal year, in real terms the buying power of this total is decreased. The Agency's resources which are devoted to the implementation of the Clean Water Act should be utilized in areas which conform with the congressional intent of the statute and not to explore deviations from that intent. The budget request associated with water quality use attainability and permit writing should be devoted instead to effluent guideline development.

ENFORCEMENT

The Agency has undergone a reorganization of its enforcement functions within the last year, and it appears that resources to carry out this important function would be reduced under the budget proposal. This is inappropriate. Without a vigorous and energetic enforcement program, the ability of environmental laws to accomplish the purposes for which they were adopted can be frustrated. Many of the laws that EPA has responsibility to administer have matured to such a point that enforcement is the key Agency activity. The recommendation of the Committee is that resources, at a minimum equal to those available in fiscal year 1982, should continue to be available.

CLEAN AIR ACT

The Clean Air Act requires every car coming off the assembly line to meet the tailpipe emissions standard. Some interests have recently been pressed for adoption of an "averaging" approach to vehicle emissions rather than car-by-car through compliance certification and assembly line testing. Averaging—except possibly on an extremely limited basis for particulates—is illegal. Despite this, the Agency budget justification at page A-56 states the following:

The environmental processes program in 1983 is concentrating entirely on characterizing emissions from in-use vehicles, which will support the intention of the regulatory office to move to a fleet-averaging approach to emissions control.

Averaging is not only illegal but highly controversial. Information provided to the Committee indicates its adoption could provide certain automakers with a very substantial competitive advantage over the others. Fleet averaging could also lead to large increases in air pollution.

Although the Committee chose not to disturb the level of funding for the mobile source program other than the general restoration of 1982 levels, these monies are not to be used for the purpose of developing or implementing a fleet-averaging program unless and until the law is amended by the Congress.

SUPERFUND

The Committee also increased the funds available under the Hazardous Substance Response Trust Fund, established by the Comprehensive Environmental Response, Compensation, and Liability Act (or Superfund), from the requested level of \$230 million to \$250 million. This increase is in part to assure that Superfund activities at the Departments of Justice and Health and Human Services are fully funded without the necessity of site-by-site reimbursement.

In the Committee's report to the Budget Committee of March, 1981, the following levels of funding for the Departments of Justice and Health and Human Services were recommended:

[In millions of dollars]

	Health and Human Services	Justice
Fiscal year 1981.....	3	1.5
Fiscal year 1982.....	7	3

These proposed levels were based on recommendations supplied to the Committee by the two departments as well as the Office of Management and Budget. Assurances were received by the Committee from officials at the Office of Management and Budget that the two departments would be funded at or close to the above levels.

On March 1, 1982, the Chairman of the Committee on Environment and Public Works wrote to the Departments of Justice and Health and Human Services to determine what funds, if any, the two Departments have received from Superfund. The reports were summarized as follows:

SUPERFUND ALLOCATIONS

[Fiscal years]

	Requested	Allocated/ budgeted	Received
Department of Health and Human Services:			
1981.....	¹ \$3,000,000	0	0
1982.....	10,040,000	\$3,344,000	0
1983.....	21,000,000	3,292,000	(²)
Department of Justice:			
1981.....	¹ 1,500,000	0	0
1982.....	2,000,000	2,000,000	0
1983.....	2,100,000	2,100,000	(²)

¹ Congressional instruction contained in committee budget request.

² Not available.

The Departmental replies may be found at p. 33.

Successful implementation of the Superfund law requires vigorous and effective programs at both the Department of Justice and the Department of Health and Human Services. The amount of money in the Superfund was admitted to be inadequate by both the Congress and the Executive Branch when it became law in December of 1980. For this reason, monies should be expended from the Fund only when necessary and, once committed, should be recouped from responsible

parties immediately. The key to both of these objectives—inducing responsible parties to clean up in the first place through the use of injunctive remedies where appropriate and the prompt recovery of costs when responsible parties have refused to clean up—is an effective enforcement program at the Department of Justice.

Similarly, effective response to emergencies or sites is not possible without the use of trained medical personnel who know what treatment or precautionary measures are appropriate. This knowledge, in turn, is a product of the long-term health and laboratory studies which are mandated by the Superfund law. The establishment of an adequate Superfund program at the Department of Health and Human Services is as important as the establishment of the one at the Environmental Protection Agency.

It is the Committee's intention that the necessary portion of the recommended increase in the Superfund budget be allocated directly to the Departments of Justice and Health and Human Services. While those Departments should consult with the Environmental Protection Agency in the development of their programs, the final responsibility and authority for implementation should lie with the respective departments, not the Agency.

The Committee also noted an apparent discrepancy between the level of Federal general fund appropriation requested for Superfund and the aggregate total request for expenditure from the trust fund.

The Superfund law requires that Superfund expenditures be derived as follows: one-eighth from Federal general revenues and seven-eighths from a tax on chemical feedstocks. This Federal-industry share was among the most contentious matters during the Superfund debate.

The budget contains a request for \$44 million in general fund appropriations, but requested a total superfund aggregate of only \$230 million. Although the Committee sought to clarify this apparent discrepancy with the Agency, the issue was never satisfactorily resolved. There should be no doubt, however, that the Federal general fund share of Superfund expenditures must be one-eighth, or \$31,250,000, for a spending level of \$250 million.

APPALACHIAN REGIONAL COMMISSION

The Committee was unable to reach agreement on any motions making a recommendation with respect to the Appalachian Regional Commission.

The President's budget requests no new funds for the Appalachian Regional Commission in fiscal year 1983. The Administration has deferred \$15 million of fiscal year 1982 funds to be used in fiscal year 1983 and subsequent years to close out and audit pending projects in order to provide an orderly termination of the Commission. In fiscal year 1983, the Administration would obligate \$4 million of the \$15 million toward termination.

The Administration's proposal also transfers the Appalachian Development Highway Program to the Secretary of Transportation in fiscal year 1983 to be funded out of the Highway Trust Fund. The 1983 budget provides \$80 million for the Appalachian highways from the Trust Fund and proposes over a 4-year period for the completion of ongoing highway construction projects, repayment to States for prefinanced projects and the maintenance of a program in each Appalachian State, as the program is being phased out. Legislation to be proposed by the Administration will provide for that transfer.

ECONOMIC DEVELOPMENT ADMINISTRATION

The Committee recommends that the Economic Development Administration be terminated in fiscal year 1983. The Committee further recommends that \$15.5 million be appropriated to the Secretary of Commerce, through the account providing for general administration of the Department in fiscal year 1983, to monitor and close out existing projects of the Economic Development Administration.

The President has requested no funds in fiscal year 1983 for the economic development assistance programs operated by EDA, but did request \$15.5 million for salaries and expenses to administer the close-out of the agency's projects.

The Committee points out the distinction made by providing administrative funds to the Secretary of Commerce's office rather than the Economic Development Administration. Funds appropriated to the Secretary of Commerce for general administration fall within function 370. Funds appropriated to EDA fall within function 450. Provision should be made accordingly when aggregating functional totals.

The Committee has requested answers in writing from the Assistant Secretary of Commerce for Economic Development concerning the adequacy of legal authority to facilitate the orderly close out of the agency. Answers will not be available until after this report has been made. However, Assistant Secretary Campbell has testified that the Administration does not intend to seek any legislation amending the Public Works and Economic Development Act this year, proposing instead to permit existing authorizations to appropriate funds that expire at the end of the current fiscal year.

The Reagan Administration has proposed a comprehensive economic plan of spending reductions, tax reductions and regulatory relief to generate expansion of the private economy and the creation of jobs. In consideration of the argument that to extend the EDA is inconsistent with a program that restores economic and investment decisions to the private sector, the Committee voted to terminate the Economic Development Administration.

TENNESSEE VALLEY AUTHORITY

The President's fiscal year 1983 budget request for the Tennessee Valley Authority (TVA) is \$119.5 million. This request supports TVA's non-power programs which are based on the mandate in the TVA Act to promote conservation and development of resources in the Tennessee Valley. The Committee recommends the funding levels proposed by the President at \$119.5 million. The following areas are funded:

Natural Resource Development.—These programs focus on natural resource management, including such activities as water resource projects to enhance navigation, aid in flood control, and enhance fisheries and aquatic ecology. Land and forest management programs promote growth and use of timber resources and promote wildlife development. An important area of effort concentrates on environmental protection of public lands and waters and regional air quality management.

Economic and Community Development.—These programs provide technical expertise and assistance to local communities in their effort to build strong local economies and create local jobs. Self-help projects such as local flood damage prevention projects, Townlife community improvements, and continued support of navigation-related growth are included.

Agricultural Resource Development.—These programs concentrate on upgrading agricultural efficiency, productivity, and income in the Valley States by introducing new technologies, including conservation, improved fertilizers, high-value crops, farm management systems and marketing innovations. The program is carried out largely through State land-grant universities and extension organizations to demonstrate solutions to agricultural problems.

National Fertilizer Development.—These programs include fertilizer research activities to develop better fertilizers, create more efficient ways to manufacture them, demonstrate ways to use fertilizers more effectively and introduce new technology to the agricultural community. This is one of two national programs developed by TVA and one from which TVA receives non-power revenues from sale of experimental fertilizer.

TVA has made a concerted effort to refocus and shift their programs to take best advantage of limited resources. They continue to evaluate their programs to make them more responsive and most cost effective. They have increased the use of fees where possible to recover costs. They are transferring programs to the private sector and to other Federal and State agencies where appropriate. TVA has eliminated some programs on their own based on internal prioritization of needs. TVA's remaining economic and community development efforts will

focus on the objective of promoting economic development through local initiative and self-reliance rather than continuing dependence on the Federal government. TVA's remaining research and demonstration efforts are limited to high-risk initiatives that have potential benefits for the Nation. TVA is accelerating transferral of programs in natural resources to the States or the private sector. Yet TVA must maintain the facilities and natural resources which have been entrusted to TVA's stewardship, and adequate resources for this task must be maintained.

Legislation has been proposed to finance the operation and maintenance of the inland navigation system for which TVA is responsible by a system of user fees. When the legislation is passed the budget will be amended to appropriate estimated collections from the Inland Waterway Trust Fund. The estimate of collections for fiscal year 1983 is \$990,000. This amount is included in the President's request for TVA for fiscal year 1983.

DISASTER RELIEF

The Committee recommends new budget authority of \$325 million for the disaster relief programs of the Federal Emergency Management Agency in fiscal year 1983, the amount requested by the President.

During fiscal year 1980, FEMA administratively implemented a program change to require 25 percent cost sharing by State and local governments for restoration or replacement of public facilities and for debris removal. It is anticipated this change will reduce Federal obligations by \$30 million in 1983.

The Administration has requested legislation to incorporate this and other budgetary savings in statute. The budgetary effects of pending legislation, S. 1216 and S. 1217, which include the cost sharing provision, have been calculated in the \$325 million recommended by the Committee.

The monetary authorization for the Disaster Relief Act has expired. In reporting new authorizations there could be further amendments to the basic program which may have an impact on the budget.

The Committee remains concerned that several emergency declarations have, in effect, represented an expansion of authority beyond that of the Disaster Relief Act of 1974. The use of this authority for assistance to other than natural occurrences, which are specified in the Act, is contrary to legislative intent and history. This Act should not be used for extraordinary occurrences not specifically enumerated in the statute. This law is not designed to provide assistance to incidents of a social or economic nature.

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PUBLIC BUILDINGS SERVICE

No budget authority is required for the Public Buildings Service (PBS) of the General Services Administration in fiscal year 1983. Although the recommended budget authority is zero, the PBS will obligate \$2 billion in fiscal year 1983. The sharp contrast between this level of activity of the PBS and the lack of new budget authority dramatizes the point the Committee has been making about the public buildings program for several years: it is a huge expenditure over which there is no effective congressional budget control.

The GSA building program is financed out of receipts from "rental" payments (Standard Level User Charges, or SLUC) made to GSA by other Federal agencies. Budget authority for this multibillion dollar program is thus spread across every function of the budget and dispersed among all the separate appropriations acts. These SLUC payments are a minor item in the administrative budgets of each of those Federal agencies and attract little, if any, executive branch or congressional budget scrutiny.

Accordingly, at no time in the budget and authorization processes each year is the public buildings program examined as a whole. Under the Public Buildings Act of 1959, only major leases and significant construction and repair prospectuses require specific authorizations. In recent years, this has meant that there has been specific congressional oversight and approval, on the average, of only one-half of the repair budget (estimated at \$257.4 million for fiscal year 1983), only about one-tenth of the annual leasing budget \$770 million for fiscal year 1983), none of the building operations budget for cleaning, utilities, protection, etc. (\$676.5 million for fiscal year 1983), and none of the administrative budget, for such functions as planning, supervision, and research (\$95.8 million for fiscal year 1983). Open-ended authorizations for these activities were provided upon enactment of the Public Buildings Act of 1959.

The specific authorizations of major leases and construction and repair projects required under the Act are also open-ended authorizations and these approvals are made, one by one, by separate actions of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation. Since the authorizations are made by Committee resolution rather than through congressional enactment and because expenditures are from obligational—not budget—authority, the authorizing procedure is not subject to the May 15 reporting deadline established in the Congressional Budget and Impoundment Control Act of 1974. The project authorizations may be and are approved only days or hours before the Appropriations Committee markups held in anticipation of the September 15 appropriations deadline under the Budget Act.

Piecemeal approval, and the fact that projects once authorized are authorized forever, give the Committees no incentive to keep their authorizations within realistic budget limits. A prospectus can be fully approved and lie dormant for years before it wins an appropriation. The Committees can and do approve projects costing many times the amount of funds expected to be available in the next fiscal year.

These procedures make it impossible for the executive branch to compile a predictable timetable for the public buildings program. The procedures also make it impossible for the appropriations committees to know very far in advance of the fiscal year what demands will be made on the public buildings appropriation.

The Senate has passed legislation to remedy these deficiencies in the present authorizing process. The Public Building Act of 1981, S. 533, would establish an annual congressional authorization of the entire PBS budget, conforming to the provisions and deadlines of the Congressional Budget and Impoundment Control Act. The legislation is pending before the House.

It should be noted that the present GSA budget and accounting system reports only the current year's outlay for a lease. That outlay is then used to lever an unreported commitment of from one to twenty times the annual lease amount. The Committee has found, for example, that the unaccounted obligation which will be required to liquidate existing GSA leases presently exceeds \$2.3 billion, and is rapidly growing. In fiscal year 1983, GSA estimates that it will enter into new lease agreements which will commit the Government to total outlays of about \$1.4 billion. Yet the budget contains a request for only \$44.3 million to fund these same new leases during 1983.

The Committee on Environment and Public Works urges that the Budget Committee secure from the Congressional Budget Office an immediate analysis of this Public Buildings Service accounting practice, and take the appropriate steps in cooperation with the Office of Management and Budget to accurately and properly reflect in the fiscal year 1983 and future budgets the true cost of leasing activities.

INDIVIDUAL VIEWS OF SENATOR JENNINGS RANDOLPH

The Committee on Environment and Public Works was unable to decide on a recommendation to the Committee on the Budget for funding for the Appalachian Regional Commission in fiscal year 1983. A proposal to recommend no funding and terminate the program was defeated on an 8-8 tie vote. Subsequently, my motion to recommend \$215 million to begin phasing down the program in accordance with a proposal of the Appalachian governors also was defeated by an 8-8 tie.

The Committee on the Budget, therefore, must determine the proper funding level for this program to be included in the First Concurrent Resolution. The total of recommendations of the Committee on Environment and Public Works for appropriated funds is \$301 million below actual appropriations for fiscal year 1982. Thus, budget authority can be provided for the Appalachian Regional Commission without exceeding the overall 1982 spending level for programs under the Committee's jurisdiction.

For 17 years the Appalachian program has meant much to the people of the region. There has been substantial progress toward achieving the goals of the program. Infant mortality, for instance, has improved as has the general level of health care. Per capita income is approaching the national average but is still too low. The out-migration of population has been reversed.

In their report to the Congress, the Governors made these observations:

Despite the dramatic progress made since 1965, Appalachia still lags behind the rest of the country by most measures of economic health. The economy is still fragile and sensitive to downturns in the national economy like those of 1980 and 1981. The progress has been uneven. Some counties remain severely distressed.

As the Appalachian Governors and members of the Commission, we have examined what can be done in the face of limited Federal resources to stabilize and improve the economy of Appalachia and to assure that hard won gains are not lost. We have explored the availability of increased State resources, the potential of coal in the economic development of the Region, ways to increase the investments of the private sector in Appalachia and the best ways to capitalize on economic development investments already made in the Region.

The capability of Appalachian States to pick up a greater share of the cost of economic development in the Region is clearly limited:

- Income and other significant tax bases in the Region lag behind those of the rest of the Nation.
- Despite this limited tax base, Appalachian State tax efforts since 1965 on the average have increased at a more rapid rate than the national average.
- By 1979 the Appalachian States were making an average tax effort 12 percent greater than the national average.
- Federal expenditures in the Region are 16 percent lower per capita than in the Nation, and the Federal budget cuts hit Appalachian State and local governments disproportionately hard.

Over the next several years there will be a number of crucial demands on the limited State resources in Appalachia which the States will be unable to meet without assistance.

The Congress last year rejected the Administration's proposal to terminate the ARC and appropriated \$150 million for 1982 under existing authority. In response to a congressional directive originating in the House Appropriations Committee, the Governors of the 13 Appalachian States unanimously submitted to the Congress a "finish up" program for the Commission. Their intention is to provide for unmet needs and assure that permanent and lasting benefits will accrue from the total ARC program. This program would be carried out over a period of five years for the area development activities and nine years for completion of a reduced developmental highway network.

As the Governors stressed, however:

This finish-up program will not complete the job and bring Appalachia fully into the mainstream of the American economy. The gaps between Appalachia and national standards in terms of income, jobs, community services, housing, and health will be further narrowed but not closed. The program will, however, enable us to conclude efforts now in progress, to leave in place a solid base for development and to put in place with minimal disruption mechanisms to complete our progress toward economic self-sufficiency.

The highlights of the Governors' plan are as follows:

- Set fixed dollar ceilings and termination dates for ARC programs.
- Shift greater responsibility to State and local governments and the private sector by reducing maximum ARC funding to 50 percent.
- Limit ARC highway assistance to construction of only the highest priority 550 miles of the 1,303 unimproved in the planned Appalachian Development Highway System.
- Focus major ARC area development activities on a five-year jobs and investment program.
- Complete in three years the Commission's health program by bringing basic health care to those counties not yet reached and reducing infant mortality in counties with rates more than 150 percent of the national average.

- Help, in a five-year program, the 60 or so most distressed and underdeveloped counties in the region meet their most critical needs, especially for safe drinking water and waste disposal.
- Seek help from the private sector through a development foundation for Appalachia so that a regional effort can continue.
- Leave the region sufficiently strong economically to continue progress toward national standards.

Legislation (S. 2144) is pending before the Committee which would give the Commission the authority to carry out this program.

The Appalachian regional development program is a unique form of Federal-State partnership which has been directed at removing the barriers to sound economic growth in an area that historically lagged behind the rest of the Nation. It embraces all or part of 13 States with a population of 20 million people. If it were a separate state, Appalachia would be the second largest state in the country but one of the most economically disadvantaged.

The ARC program is based on the initiation of activities and projects at the local and State levels—the exact opposite of the “trickle down” approach to government which receives strong criticism. It has long been recognized as an innovative and effective method for governments at all levels to determine priorities and for the allocation of resources.

When he signed the original Appalachian Act in 1965, President Lyndon B. Johnson said “. . . this is the truest example of creative federalism in our times.” The validity of this approach is confirmed not only in the improvements it has helped to stimulate in the region, but also in the strong bipartisan support at all levels that has existed from the beginning.

At the last meeting of the Commission, in seconding a motion to continue the ARC program, Governor Lamar Alexander of Tennessee said:

I think the finish-up program is a sound proposal developed and supported by all of the Governors of the affected States . . . most Americans will understand that these are difficult times, that we might have to take our share of the reduced amount of Federal revenues. If every other Federal agency were to take the same share of cuts as the Appalachian Regional Commission has, we would not have a budget deficit.

ARC States' Cochairman Governor John Y. Brown of Kentucky last month told the U.S. House Subcommittee on Economic Development that the finish-up proposal would “provide for an orderly completion of ARC efforts now in progress, solidify the gains made during the past 15 years and enable the Region to continue progress toward national economic standards. This is a businesslike way to wind up a successful program, if wind it up we must.”

There remains unfinished items on the Commission's agenda to work toward its goal of bringing the region into the mainstream of the American economy. It would be poor public policy to stop the program at this point without the additional effort needed to consolidate the gains and protect the investments of the past 17 years.

JENNINGS RANDOLPH.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH,
Washington, D.C., March 3, 1982.

HON. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your interest in environmental health programming and the Public Health Services responsibilities under Superfund.

No funds have yet been awarded to HHS for Superfund activities. The following summarizes the Department's request and EPA's proposed allocations for FY 1982.

Service	Requested by HHS	Allocated by EPA
Scientific support.....	\$1,189,000	\$1,189,000
Emergency response.....	1,063,000	438,000
Ongoing health studies and assessments.....	400,000	400,000
Health surveys and health investigation guidelines.....	3,000,000	736,000
Worker safety and health.....	2,105,000	349,000
Toxicology data bases.....	2,243,000	232,000
Total.....	10,040,000	3,344,000

In its proposed allocation, EPA would not be providing resources for long-term health studies at specific sites. EPA has deferred decisions on health activities at specific sites, but is willing to negotiate the transfer of funds depending upon their view of each site's need.

Copies of the Department's budget request for Fiscal Years 1982 and 1983, the Department's appeal of EPA's tentative allocation for fiscal year 1982, and the Interagency Agreement for fiscal year 1982 (which we expect to sign by the end of this week) are attached. These documents provide more detailed information on the Department's proposals.

The Department has requested \$21 million for fiscal year 1983 and while no formal reply has been received, EPA officials have indicated verbally that approximately \$3.2 million will be allocated.

If, after reviewing the enclosed materials, I can be of further assistance, please let me know.

Again, your continuing interest in and support of the public health aspects of environmental health programming is most appreciated.

Sincerely yours,

EDWARD N. BRANDT, JR., M.D.,
Assistant Secretary for Health.

U.S. DEPARTMENT OF JUSTICE,
LAND AND NATURAL RESOURCES DIVISION,
OFFICE OF THE ASSISTANCE ATTORNEY GENERAL,
Washington, D.C., March 3, 1982.

HON. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 1, 1982, requesting information regarding the implementation of the Superfund program by the Department of Justice.

Question. What sums have been made available to the Department during fiscal years 1981 and 1982 out of the Environmental Protection Agency?

Answer. Because we agreed to absorb the fiscal year 1981 workload within existing resources at the Department, no funds were made available to the De-

partment for fiscal year 1981. We have requested resources from EPA for fiscal year 1982 and fiscal year 1983. EPA has orally approved a fiscal year 1982 level of \$2,000,000 and a fiscal year 1983 level of \$2,100,000. The formal documents necessary for this Department to expend these funds have not been executed.

Pursuant to Section 301(e), \$175,000 has been transferred to the Department to finance a study of the adequacy of existing law to provide remedies for harm caused by the release of hazardous substances. A request for an additional \$60,000 to complete the study is pending with EPA.

Question. Have these sums been adequate for full implementation of the law by the Department?

Answer. We believe the levels stated above are adequate. Decisions on implementation with those resources will be made after a written agreement can be executed with EPA to reimburse the Department.

Question. If not, what tasks have been left undone because of inadequate funding?

Answer. Simultaneous to negotiating an agreement for reimbursement from the Fund, the Department has carried out Superfund related work by borrowing existing resources. Such work includes, through February 1982, participation on the National Response Team, advice to EPA on the National Contingency Plan, consultation on the development of enforcement guidelines under Section 106 of CERCLA, the review and, where appropriate, the amendment of existing hazardous waste cases to add claims under CERCLA, internal Superfund training of staff, negotiation and trial preparation of existing cases to which CERCLA claims have been added, and the defense of the United States in six new lawsuits.

Question. What sums have been requested from the agency for fiscal year 1983 and what has been the EPA response?

Answer. The Executive Branch's budget requests 2.1 million dollars to be made available to the Division from EPA in fiscal year 1983.

Question. What specific tasks do you propose to undertake at the requested level of the fiscal year 1983 funding?

Answer. Those tasks are outlined in the attached portion of the budget document.

Question. If the EPA response was for less than the requested amount, which of these tasks would be left undone?

Answer. The importance of the program precludes elimination of any of the tasks outlined if we are to fulfill our Superfund responsibilities adequately. Our current projection of workload for FY 1983 indicates that we will be able to accomplish those tasks with the resources requested in the Executive Branch's budget.

If we can be of further assistance, please do not hesitate to contact me.

Sincerely,

CAROL E. DINKINS,
Assistant Attorney General,
Land and Natural Resources Division.

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